

191—3.33(17A,502,505) Settlement.

3.33(1) A party to a controversy that may culminate or has culminated in contested case proceedings may attempt settlement by complying with the procedures set forth in this subrule. No party shall be required to settle the controversy or contested case by submitting to settlement procedures.

3.33(2) Parties desiring settlement shall set forth in writing the various points of a proposed settlement, including findings of facts.

3.33(3) When signed by the parties and approved by the commissioner, a settlement shall represent final disposition of the matter.

3.33(4) When there is more than one party adverse to the division, a separate settlement between one party and the division is permissible.

3.33(5) A proposed settlement that is not accepted or signed by the parties and the commissioner shall not be admitted as evidence in the record of a contested case proceeding. Evidence of conduct or statements made in settlement negotiations likewise are not admissible. This rule does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

[ARC 7731C, IAB 3/20/24, effective 4/24/24]